Act on November 14, 1994 (59 Fed. Reg. 56533).

Constance K. Robinson,

Director of Operations Antitrust Division.

[FR Doc. 95–6286 Filed 3–14–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Pine Oil Joint Venture

Notice is hereby given that, on December 28, 1994, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993 15 U.S.C. 4301 *et seq.* (''the Act''), SCM Glidco Organics has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following members have withdrawn their membership with SCM Glidco Orgnaics: Sistesis quimica S.A. de C.V. and Johnson Chemical Co., Inc.

No other changes have been made in either the membership or planned activity of the joint venture. Membership in this joint venture remains open, and SCM Glidco Organics intends to file additional written notification disclosing all changes in membership.

On January 5, 1987, American Cyanamid Company filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 5, 1987, 52 F. R. 37190. The last notification was filed with the Department on August 13, 1993. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on September 20, 1993, 58 F.R. 51103.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–6282 Filed 3–14–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—X Consortium, Inc.

Notice is hereby given that, on December 8, 1994, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), X Consortium, Inc. (the ''Corporation'') has filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the following have become members of the Corporation: Institut National de Recherche en Informatique et en Automatique, Le Chesnay, FRANCE; and KL Group, Inc., Toronto, CANADA.

No other changes have been made in either membership or planned activity of the group research project. Membership in this group research project remains open, and the Corporation intends to file additional written notifications disclosing all changes in membership.

On September 15, 1993, the Corporation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on November 10, 1993 (58 FR 59737). The last notification was filed with the Department on June 14, 1994. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 7, 1994 (59 FR 55490).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–6283 Filed 3–14–95; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

[Docket No. 93–52]

Robert A. Leslie, M.D.; Denial of Application

On May 13, 1993, the Deputy Assistant Administrator (then-Director), Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Robert A. Leslie, M.D., of Los Angeles, California, proposing to deny his application for registration as a practitioner. The Order to Show Cause alleged that the Respondent's registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f).

Respondent, acting pro se, requested a hearing on the issues raised by the Order to Show Cause, and the matter was placed on the docket of Administrative Law Judge Mary Ellen Bittner. Following prehearing procedures, a hearing was held in Los Angeles, California, on December 8 and 9, 1993. On July 27, 1994, in her opinion and recommended ruling, findings of fact, conclusions of law and decision, the administrative law judge recommended that Respondent's application for DEA registration be denied. In a footnote of her recommended decision, the administrative law judge referenced specific documents that were submitted by Respondent after the administrative hearing. The administrative law judge recommended that the Deputy Administrator not consider these submissions, since most of the documents pertained to matters previously litigated and conclusively decided in a previous criminal action, and therefore, consideration of them was barred by the doctrine of res judicata. No exceptions were filed by either party.

On August 16, 1994, Respondent filed a Petition for Reconsideration of the administrative law judge's decision recommending denial of his application for DEA registration. On August 17, 1994, the administrative law judge denied this petition as lacking in merit.

On August 30, 1994, the administrative law judge transmitted the record to the Deputy Administrator. The Deputy Administrator has carefully considered the entire record in this matter and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth. The Deputy Administrator concurs with Judge Bittner's recommendation not to consider specific post hearing submissions of the Respondent. Accordingly, these submissions were not considered in rendering this decision.

The administrative law judge found that Respondent graduated from medical school in 1955, became licensed as a physician in 1958, and practiced medicine in Los Angeles during the period at issue in this case. On April 1, 1986, a complaint was filed in the Municipal Court of Long Beach, California, charging Respondent with seventeen misdemeanor counts, sixteen of which related to the unlawful handling of controlled substances. Following a jury trial, on October 9, 1986, Respondent was found guilty on eight counts of unlawfully prescribing, administering, furnishing or dispensing controlled substances between July 1985 and January 1986. Respondent's convictions were affirmed on appeal by the Appellate Department of the Superior Court, State of California, in a Memorandum Judgement issued on May 18, 1988.

Based on his criminal convictions, on August 17, 1988, the California Board of

Medical Quality Assurance (BMQA) filed an accusation against Respondent seeking to suspend his medical license. Following an administrative hearing, on July 24, 1989, the state administrative law judge recommended that Respondent's medical license be revoked, but that the revocation be stayed for five years, that Respondent be placed on probation subject to certain conditions, and that he be suspended from the practice of medicine for 90 days. After the BMQA adopted the decision of the state administrative law judge, Respondent sued BMQA, but was unsuccessful both in the lower court and on appeal. The court subsequently fined Respondent $10,000, and found that his appeal was frivolous.

On June 21, 1989, DEA issued an Order to Show Cause, seeking to revoke Respondent's prior DEA Certificate of Registration, AL0033186. Respondent requested a hearing, but later submitted a written statement of his position in lieu of participating in a hearing. Based on Respondent's statement and the Government's investigative file, effective August 17, 1990, the then-Acting Administrator revoked Respondent's DEA registration, based upon the finding that his continued registration would be inconsistent with the public interest. *See Robert A. Leslie, M.D.,* 55 FR 29278 (1990). Respondent subsequently filed a new application for DEA registration on February 6, 1992, which is the subject of this proceeding.

Respondent testified at the administrative hearing to matters surrounding his criminal conviction. Respondent argued that his prescribing to undercover operatives was justified based upon their physical conditions and complaints of pain, and that he was entrapped; during the criminal trial, the operatives perjured themselves regarding events that took place during their visits with Respondent; his direct appeal of his criminal convictions was denied, and his subsequent filing of ten petitions for habeas corpus in state and federal courts were unsuccessful; and, he sued his attorney for malpractice based upon the latter's failure to provide adequate legal representation.

Respondent also contended that the 1990 final order of the then-Acting Administrator relied on false statements supplied by BMQA that were not part of the original court record. Respondent testified that he filed a petition for reconsideration of that final order, however, since the **Federal Register** notice of the final order was not timely sent to him, the period for filing a motion for reconsideration elapsed before he became aware of the revocation. The administrative law judge found this argument without merit based on the provisions of 21 U.S.C. 877, regarding judicial review, and the fact that there is no provision in the Code of Federal Regulations for filing requests for reconsideration.

Pursuant to 21 U.S.C. 823(f), the Deputy Administrator may deny any application for registration, if he determines that the continued registration would be inconsistent with the public interest. In determining the public interest, the following factors are considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

It is well established that these factors are to be considered in the disjunctive, i.e., the Deputy Administrator may properly rely on any one or a combination of the factors and give each factor the weight he deems appropriate. *See Henry J. Schwarz, Jr., M.D.*, Docket No. 88–42, 54 FR 16422 (1989). In considering whether grounds exist to deny Respondent's application for DEA registration, the administrative law judge found all of the above factors relevant.

The administrative law judge found that Respondent's testimony, documentary evidence and pleadings in this proceeding contended that his criminal conviction was invalid. The administrative law judge concluded however, that the conviction is res judicata, and that Respondent should not be allowed to relitigate the matter.

The administrative law judge found that during the administrative hearing, although Respondent was free to offer new evidence that he would never again engage in the type of conduct that resulted in his conviction, he failed to do so. The administrative law judge also found that while Respondent offered evidence and expended time arguing the invalidity of his criminal convictions, he offered no evidence of remorse for his prior conduct, that he has taken rehabilitative steps, or that he recognizes the severity of his actions. The administrative law judge concluded that Respondent is either unwilling or unable to discharge the responsibilities inherent in a DEA registration, and therefore, recommended that his application for DEA registration be denied.

The Deputy Administrator having considered the entire record adopts the administrative law judge's findings of fact, conclusions of law, and recommended ruling in its entirety. Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for registration, executed by Robert A. Leslie, M.D., be, and it hereby is, denied. This order is effective March 15, 1995.

Dated: March 8, 1995.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 95–6297 Filed 3–14–95; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Prohibited Transaction Exemption 95–24; Exemption Application No. D–09787, et al.]

Grant of Individual Exemptions; Boston Cement Masons Union Local No. 534 Deferred Income Plan, et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Notices were published in the **Federal Register** of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, DC. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of